

JUL 1 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

TARE PORBENI,
a/k/a "Aisha James,"
a/k/a "Teresa Cole," and
PREZIDOR PORBENI,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: MAY 28 2008

INDICTMENT

08 Cr.

08 CRIM 477

JUDGE DANIELS

COUNT ONE

The Grand Jury charges:

1. On or about August 31, 2006, in the Southern District of New York and elsewhere, PREZIDOR PORBENI, the defendant, unlawfully, willfully, and knowingly did make a false statement and report for the purpose of influencing in any way an institution the accounts of which are insured by the Federal Deposit Insurance Corporation, in an application and loan, to wit, PREZIDOR PORBENI provided false information on a Sallie Mae Signature Student loan application, indicating that he had secured Victim-1 as the co-signer for the loan.

(Title 18, United States Code, Section 1014.)

COUNT TWO

The Grand Jury further charges:

2. On or about August 31, 2006, in the Southern District of New York and elsewhere, PREZIDOR PORBENI, the

defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, with the intent to commit, and to aid and abet, and in connection with, unlawful activity that constitutes a violation of Federal law and that constitutes a felony under any applicable State and local law, to wit, PREZIDOR PORBENI caused a Signature Student Loan application to be submitted to Sallie Mae bearing the name and Social Security Number of a person other than himself, namely Victim-1, for the purpose of defrauding Sallie Mae.

(Title 18, United States Code, Sections 1028(a)(7) and (c)(3).)

COUNT THREE

The Grand Jury further charges:

3. On or about August 31, 2006, in the Southern District of New York and elsewhere, PREZIDOR PORBENI, the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Section 1028A(c), to wit, PREZIDOR PORBENI used the name and Social Security Number of another person to commit the loan application fraud charged in Count One of this Indictment.

(Title 18, United States Code, Sections 1028A and 2.)

COUNT FOUR

The Grand Jury further charges:

4. On or about October 3, 2006, in the Southern District of New York and elsewhere, TARE PORBENI, a/k/a "Aisha James," a/k/a "Teresa Cole," the defendant, unlawfully, willfully, and knowingly did make a false statement and report for the purpose of influencing in any way an institution the accounts of which are insured by the Federal Deposit Insurance Corporation, in an application and loan, to wit, TARE PORBENI provided false information on a Sallie Mae Signature Student loan application, indicating that she had secured Victim-1 as the co-signer for the loan.

(Title 18, United States Code, Section 1014.)

COUNT FIVE

The Grand Jury further charges:

5. On or about October 3, 2006, in the Southern District of New York and elsewhere, TARE PORBENI, a/k/a "Aisha James," a/k/a "Teresa Cole," the defendant, unlawfully, willfully, and knowingly did make a false statement and report for the purpose of influencing in any way an institution the accounts of which are insured by the Federal Deposit Insurance Corporation, in an application and loan, to wit, TARE PORBENI provided false information on a Sallie Mae Signature Student loan

application, indicating that she had secured Victim-2 as the co-signer for the loan.

(Title 18, United States Code, Section 1014.)

COUNT SIX

The Grand Jury further charges:

6. On or about October 3, 2006, in the Southern District of New York and elsewhere, TARE PORBENI, a/k/a "Aisha James," a/k/a "Teresa Cole," the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, with the intent to commit, and to aid and abet, and in connection with, unlawful activity that constitutes a violation of Federal law and that constitutes a felony under any applicable State and local law, to wit, TARE PORBENI caused a Signature Student Loan application to be submitted to Sallie Mae bearing the name and Social Security Number of a person other than herself, namely Victim-1, for the purpose of defrauding Sallie Mae.

(Title 18, United States Code, Sections 1028(a)(7) and (c)(3).)

COUNT SEVEN

The Grand Jury further charges:

7. On or about October 3, 2006, in the Southern District of New York and elsewhere, TARE PORBENI, a/k/a "Aisha James," a/k/a "Teresa Cole," the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person

during and in relation to a felony violation enumerated in Section 1028A(c), to wit, TARE PORBENI used the name and Social Security Number of another person to commit the loan application fraud charged in Count Four of this Indictment.

(Title 18, United States Code, Sections 1028A and 2.)

FORFEITURE ALLEGATION

The Grand Jury further charges:

8. As a result of committing the offenses alleged in Counts One, Four, and Five, TARE PORBENI, a/k/a "Aisha James," a/k/a "Teresa Cole," and PREZIDOR PORBENI, the defendants, shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, constituting or derived from proceeds obtained directly or indirectly as a result of the offenses charged herein, to wit making false statements to a financial institution.

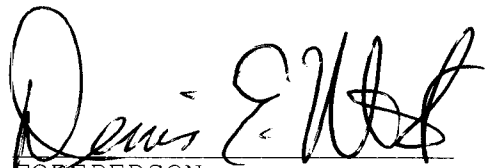
Substitute Asset Provision

9. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981,
Title 28, United States Code, Section 2461, and
Title 18, United States Code, Section 1014.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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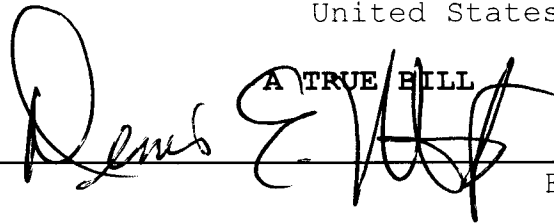
INDICTMENT

08 Cr.

(18 U.S.C. §§ 1014,
1028(a)(7), and 1028A.)

MICHAEL J. GARCIA

United States Attorney.


A TRUE BILL

Foreperson.

5/28/08

Filed for Post 11-1-08 The case
is assigned to Judge Daniel R.
All papers

May Judge Rhyer